

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK  
POUGHKEEPSIE DIVISION

**DATE: DECEMBER 30, 2013**  
**TIME: 9:30 A.M.**

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In re:

JOSE O. MORALES and  
CARMEN M. MORALES

**CHAPTER 13**  
**CASE NO. 13-36516 (CGM)**

Debtors.

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**NOTICE OF PRESENTMENT OF ORDER APPROVING  
LOAN MODIFICATION AGREEMENT AND REDUCING CLAIM TO ZERO**

**PLEASE TAKE NOTICE**, that upon the annexed motion of JOSE O. MORALES and CARMEN M. MORALES, the debtors, dated December 4, 2013, the undersigned will move this Court, at the United States Bankruptcy Court, 355 Main Street, Poughkeepsie, New York, on **December 30, 2013 at 9:30 a.m.** or as soon thereafter as counsel can be heard, for an Order approving a Loan Modification Agreement.

**PLEASE TAKE FURTHER NOTICE** that objections to the relief requested, together with requests for a hearing, if any, must be (i) in writing, (ii) filed with the Court and (iii) served upon GENOVA & MALIN, 1136 Route 9, Wappingers Falls, New York, 12590, together with proof of service thereof, such that they will be received no later than one (1) day prior to the Presentment Date. Unless objections are received at least one (1) day prior to the Presentment Date, the Stipulation and Order may be signed without a hearing before the Court.

Dated: Wappingers Falls, NY  
December 4, 2013

GENOVA & MALIN  
Attorneys for Debtor

By: /s/ Andrea B. Malin  
ANDREA B. MALIN (AM4424)  
Hampton Business Center  
1136 Route 9  
Wappingers Falls, N.Y. 12590  
(845) 298-1600

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK  
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In re:

JOSE O. MORALES and  
CARMEN M. MORALES

Debtors.

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**CHAPTER 13**  
**CASE NO. 13-36516 (CGM)**

**APPLICATION TO APPROVE LOAN MODIFICATION AGREEMENT  
AND REDUCING CLAIM TO ZERO**

**TO THE HONORABLE CECILIA G. MORRIS, CHIEF U.S. BANKRUPTCY JUDGE:**

The application of JOSE O. MORALES and CARMEN M. MORALES, the debtors,  
respectfully represents:

1. On June 28, 2013, the above-captioned debtors filed a Request for Loss Mitigation with their first mortgagee, J.P. MORGAN CHASE, N.A. ("CHASE") with the United States Bankruptcy Court, Southern District of New York.
2. On August 8, 2013, this Court entered a Loss Mitigation Order (See this Court's Docket).
4. On or about December 3, 2013, CHASE offered the debtors a Loan Modification under the Home Affordable Modification Program. Annexed hereto as Exhibit "A" is a copy of the Home Affordable Modification Program offer (the "Offer") sent to the debtors via email.
5. Pursuant to said Offer, the debtors are required to make THREE (3) trial payments in the amount of \$1,600.44 commencing on January 1, 2014 and the final payment being due on March 1, 2014.
6. The Modification that will result will re-capitalize into the new loan

principal, taxes, homeowners insurance, and all pre-petition and post-petition mortgage arrears. The modified mortgage payment includes principal, interest, real property tax escrow and homeowner's insurance escrow. Pursuant to said program regulations, if the debtors make the THREE (3) trial payments, the debtors will be given a Final Loan Modification Agreement without condition or limitation. Pursuant to the terms of the modification the interest rate shall be fixed once the permanent modification is issued. The modification may also include an interest fee deferred payment upon maturity. The trial period provided is merely for the purpose of providing the mortgagee a THREE (3) month opportunity to confirm escrow amounts for taxes and insurance so that it may set final modification payment accurately. Accordingly, although the Final Modification is conditional upon the debtors' performance, it is not necessary to continue to carry this matter or delay approval.

7. The debtors have voluntarily accepted the Offer, fully understand the terms and conditions set forth therein; and believes that it is in his best interest.

**WHEREFORE**, it is respectfully requested that the Court enter the annexed Order approving the Offer; and that the debtors be granted such other and further relief as to the Court may seem just and proper.

Dated: Wappingers Falls, NY  
December 4, 2013

GENOVA & MALIN  
Attorneys for Debtor

By: /s/ Andrea B. Malin  
ANDREA B. MALIN (AM4424)  
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